Application No. 10/005,680   Page 12
Reply to Office Action of April 22, 2004

C. REMARKS

Status of the Claims

Claims 1, 2, 4-9, 11-18, and 36-41 are pending in the application. Claims 1, 4, 5, 7, 8,

11, 12, 14, 15, 16, and 18 are amended. Claims 36-38 are newly added. Claims 3, 10, and 19-35

are canceled.

Lack of Obviousness

Claims 1-2, 4, 8-9, 11, and 15 are not obvious under Burg in view of Ben-Chanoch

The Office Action rejects claims 1-2, 4, 8-9, 11, and 15 under 35 U.S.C. §103(a) as being

allegedly unpatentable over Burg et al. (US Patent 6,738,473)(hereinafter referred to as Burg) in

view of Ben-Chanoch (US 6,707,906). [Office Action, dated 4/22/2005, p. 2] As amended,

claims 1-2, 4, 8-9, 11, and 15 are no longer obvious, the rejection should be withdrawn, and the

claims should be allowed.

Claims 1, 8, and 15

Independent method claim 1, which is representative of independent system claim 8 and

independent computer program product claim 15, with regard to similarly recited subject matter

and rejection, reads as follows:

> 1.   (Currently Amended) A method for publishing call queue characteristics
> comprising:
>   monitoring a plurality of characteristics of an on hold system; [and]
>   presenting a caller currently waiting on a call within said on hold system
> with a selectable menu of a plurality of separate available formats and a plurality
> of separate available output interfaces for selection by said caller for publication
> of said plurality of characteristics, wherein said plurality of separate available
> output interfaces comprise at least a calling device used by said caller to place
> said call, a web site, and a messaging account; and
>   responsive to a selection by [a] said caller currently waiting within said on
> hold system of a particular format from a menu of a said plurality of separate
> available formats and a particular output interface from said plurality of separate
> available output interfaces for publishing said plurality of characteristics,
> facilitating transfer of [transferring] said plurality of characteristics to said caller
> at said particular output interface for output in said particular format.

Docket # AUS920010945US1

Application No. 10/005,680   Page 13
Reply to Office Action of April 22, 2004

        In the rejection, the Examiner cites Burg et al. as teaching a method for publishing call

queue characteristics (Abstract, lines 8-11). [Office Action, p. 2] The Examiner notes:

> "while not directly disclosed, it is implicit on Burg et al.'s system the monitoring
> a plurality of characteristics of a hold system (as read on providing information
> such as, wait time estimate and queue length including place in queue, based on a
> caller's request) (Col. 5, lines 43-48)." [Office Action, pp. 2-3]

        Further, regarding the element of <u>transferring said plurality of characteristics to said</u>

<u>caller in a particular format, responsive to a selection by a caller currently waiting within said on</u>

<u>hold system of said particular format from a menu of a plurality of available formats for</u>

<u>publishing said plurality of characteristics</u>, the Examiner cites Burg as teaching:

> "If the request [made by the caller] is a wait time estimate, for example,
> the system may provide an estimate of the approximate time of waiting until the
> call may be answered. [...] An example of a status message would be "Your call
> will be served in 5 minutes." The signaling gateway 460 may prepare a reply
> packet to the ISP 450 and computer 400 which may include a web page, audio
> announcement, pop-up window, etc. (See Col. 5, lines 53-56 and 60-65). [Office
> Action, p. 3]

The Examiner concludes that "it can be see that Burg et al. discuses "responsive to a selection by

a caller currently waiting within said on hold system" as reading on "the request made by the

caller for a wait time estimate." [Office Action, p. 3]

        In addition, regarding <u>a particular format from a menu of a plurality of available formats</u>

<u>for publishing said plurality of characteristics to said caller in said particular format</u>, the

Examiner cites Ben-Chanoch as teaching:

> "...the customer may request that the contact be changed to a different media or
> time. (e.g. Please contact me by telephone number instead). Thus, if the
> customer sees the message from the contact center on the screen, he may respond
> by overriding the chosen from of communication and requesting a different form
> of contact. This would be particularly useful if the user is online while traveling"
> (See Col. 3, lines 26-31). Further, Ben-Chanoch teaches that the user may click
> on various media types (See Col. 2, lines 52-57). [Office Action, pp. 3-4]

The Examiner concludes that:

> It would have been obvious to one of ordinary skill in the art to modify
> Burg et al. as per the teachings of Ben-Chanoch, and thus allow a caller to choose
> from among different ways (e.g. web page, audio announcement, pop-up window)

Docket # AUS920010945US1

Application No. 10/005,680   Page 14
Reply to Office Action of April 22, 2004

for the display of a reply packet to his or her request regarding wait times. This
option to choose from among different ways of information display would have
been obvious if –for example- the customer is calling from phone 410 (See Fig. 4
of Burg et al.), as the obvious choice will be for the caller to receive an audio
announcement based on his or her request or, as Ben-Chanoch taught, if the
customer was online while traveling. [Office Action, p. 4]

Neither Burg or Ben-Chanoch, separately or in combination, teaches or suggests all the limitations of claim 1

In establishing a prima facie case of obviousness under 103(a), the combined prior art

references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20

USPQ2d 1438 (Fed Cir. 1991). In particular, in determining the differences between the prior

art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves

would have been obvious, but whether the claimed invention as a whole would have been

obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983);

Schenck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

First, Applicants respectfully note that the Examiner does not show, nor do the references

teach or suggest, separately or in combination, a "menu of available formats" in the element "of

a particular format from a menu of available formats for publishing said plurality of

characteristics to said caller in said particular format" because Ben-Chanoch only describes that

a customer may accept a communication attempt initiated by a call center or reject the attempt

and respond with a telephone number for an alternate communication attempt. Ben-Chanoch

describes a "contact center" that initiates outbound conversations with customers via instant on-

line communication. *Ben-Chanoch*, col. 3, lines 1-10, lines 11-14 ("If the targeted customer is

found online, the contact center may, according to the preset priority scheme, send a message to

the customer informing him that a conversation is requested). *Ben-Chanoch*, col. 3, lines 26-31

(as cited by the Examiner) discloses that when the customer is initially contacted by instant

messaging, the customer may respond by requesting a different form of communication. *Ben-*

Chanoch, col. 3, lines 32-35 (following the section cited by the Examiner) describes a customer

requesting this different form of communication as "he could respond with a telephone number

where he can be reached which the contact center would utilize to recontact the user." Ben-

Chanoch does not teach, however, providing a communication that includes menu of available

Docket # AUS920010945US1

formats for selection by the customer. Further, while Ben-Chanoch describes multiple "media" at which a user may receive a request for a conversation, a mere description that a user can enter a telephone number in reply to an instant message for the contact center to indicate another communication media via a telephone call does not teach providing the customer a menu of available formats for selection by the customer while the customer is waiting on hold; the user entry of a telephone number in an instant messaging response is not a selection from a menu of available formats.

Second, regardless of whether the Examiner's previous assertions are correct, Applicants respectfully assert that the references do not teach or suggest, separately or in combination, the claimed invention as a whole, and in particular the amended element of "<u>a selectable menu of a plurality of separate available formats and a plurality of separate available output interfaces, wherein said plurality of separate available output interfaces comprise at least a calling device used by said caller to place said call, a web site, and a messaging account</u>." In particular, Applicants note that the specification supports a distinction between the "format" and the "output interface" because a particular output interface may support multiple formats. For example, Figure 3 of the present invention provides a selectable menu directing that "for voice output to a calling device: press or enter 1" and "for text or graphic output to calling device: press or enter 2". Further, the specification, paragraph 0027 clarifies the distinction between the format and the output interface and that each may be separately selectable. While Ben-Chanoch describes enabling a user to preset a priority scheme of a preferred form of communication over the Internet (*see* Col. 2, lines 38-57), Ben-Chanoch does not describe providing a selectable menu of communication options during the communication itself or providing a selectable menu of multiple separate formats and multiple separate output interfaces presented to the customer. Further, Ben-Chanoch does not describe a menu of output interfaces that includes a calling device used by the caller to place the call, a web site, and a messaging account; the specification supports the amendment throughout and in particular in paragraphs 0037, 0038, and 0046-0049.

In addition, as to the amended element of the selectable menu comprising both multiple separate available formats and <u>multiple separate available output interfaces</u>, Applicants note that the Examiner previously rejected claim 5, and in particular the element of "transferring said plurality of characteristics in said particular format to an interface specified by said caller",

Docket # AUS920010945US1

Application No. 10/005,680   Page 16
Reply to Office Action of April 22, 2004

under Burg and Ben-Chanoch in view of Coussement (US 2002/0055967). In particular, the

Examiner stated the following grounds of rejection:

> As per claim 5, Coussement teaches a user utilizing a PC (i.e. interface)
> with an instance of software Customer Presence Software 10, which is adapted to
> integrate communication-center status information into a customer's electronic
> interface served upon customer's request (See Description of the Preferred
> Embodiments, P.0051, lines 1-8).
> [...]
> It would have been obvious to one of ordinary skill in the art at the time
> the invention was made, to modify the combination of Burg et al. and Ben-
> Chanoch, as per the teachings of Coussement, and thus in this manner provide a
> system that will save phone costs for customers (or callers) as well as reducing
> utilization requirements of communication center interface technologies.

Applicants respectfully traverse the rejection of claim 5 in view of the amendments to claim 1.

In particular, Applicants assert that the combination of Burg, Ben-Chanoch and

Coussement does not teach presenting a caller currently waiting on a call within said on hold

system with a selectable menu of a plurality of separate available formats and a plurality of

separate available output interfaces for selection by said caller for publication of said plurality of

characteristics, wherein said plurality of separate available output interfaces comprise at least a

calling device used by said caller to place said call, a web site, and a messaging account or

responsive to a selection by said caller of a particular format from said plurality of separate

available formats and a particular output interface from said plurality of separate output

interfaces, facilitating transfer of said plurality of characteristics to said caller at said particular

output interface for output in said particular format because Coussement does not teach

transferring hold system information to any output interface other than the one through which a

user logs on, which is not an "a particular output interface from among a plurality of separate

output interfaces". In particular, when the present invention is viewed as a whole, the element of

a particular output interface from among a plurality of separate output interfaces teaches that

there is more than one interface available to the caller for selection by the caller, including the

interface through which the user makes the selection. Coussement (paragraph 0051 and Figure

3) provides a single interface, in the form of a web page, that the user uses to initiate access to

hold system information and through which the user receives hold system information.

Docket # AUS920010945US1

Application No. 10/005,680   Page 17
Reply to Office Action of April 22, 2004

Coussement does not teach enabling user specification of an interface from among multiple available interfaces, other than selecting the system through which to access the web page. Because Coussement teaches a single access method, and a single location to which data could be transferred, Coussement does not teach a selection of <u>a particular interface from among a plurality of separate available interfaces</u>.

Third, Applicants respectfully assert that the combination of Burg and Ben-Chanoch fails to teach <u>responsive to a selection by said caller of a particular format from said plurality of separate available formats and a particular output interface from said plurality of separate available output interfaces, facilitating transfer of said plurality of characteristics to said caller at said particular output interface for output in said particular format</u> because, as previously discussed, neither Burg nor Ben-Chanoch teaches enabling selection of a particular format from among multiple separate available formats and a particular output interface from among multiple separate output interfaces. Because neither Burg nor Ben-Chanoch teaches enabling selection of a particular format and a particular output interface, from among multiple format and output interface options, these references separately or in combination also do not teach facilitating transfer of information to multiple available interfaces in multiple available formats, and in particular do not teach facilitating transfer of information to the selected interface in the selected format.

In conclusion, Applicants respectfully assert that the combination of Burg and Ben-Chanoch fails to teach a <u>selectable menu of a plurality of separate available formats and a plurality of separate available output interfaces, wherein said plurality of separate available output interfaces comprise at least a calling device used by said caller to place said call, a web site, and a messaging account</u> or <u>responsive to a selection by said caller of a particular format from said plurality of separate available formats and a particular output interface from said plurality of separate available output interfaces, facilitating transfer of said plurality of characteristics to said caller at said particular output interface for output in said particular format</u>. Therefore, a prima facie case of obviousness under 103(a) is not established for claims 1, 8, and 15 because the teachings of Burg and Coussement do not make at least one element in claims 1, 8, and 15 obvious to one of ordinary skill in the art. Because a prima facie case of obviousness under 103(a) is not established for the claims 1, 8, and 15, Applicants respectfully request

Docket # AUS920010945US1

Application No. 10/005,680   Page 18
Reply to Office Action of April 22, 2004

allowance of claims 1, 8, and 15.

There is no suggestion or motivation to modify Burg by Ben-Chanoch

To establish a prima facie case of obviousness, there must be a suggestion or motivation to modify the references. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438, 1442 (Fed Cir. 1991). In particular, the teaching, suggestion or motivation to combine or modify the teachings of the prior art to produce the claimed invention must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art and the examiner must explicitly point to the teaching within the reference suggesting the proposed modification. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Absent such a showing, the Examiner has impermissibly used "hindsight" occasioned by Applicants' own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.2d 115, 117, 10 USPQ2d 1397, 1398 (Fed. Cir. 1989).

First, there is no suggestion or motivation to modify Burg by Ben-Chanoch because the mere teaching of an outgoing call attempt system that enables callers to respond to a call attempt with a telephone number does not suggest or motivate modifying an on hold system with a selectable option for receiving wait times to teach <u>providing a selectable menu of a plurality of separate available formats and a plurality of separate available output interfaces, wherein said plurality of separate available output interfaces comprise at least a calling device used by said caller to place said call, a web site, and a messaging account</u> or <u>facilitating transfer of said plurality of characteristics to said caller at said particular output interface for output in said particular format</u>. While Ben-Chanoch describes a contact center as an "inbound/outbound calling system", the thrust of Ben-Chanoch describes the contact center facilitating attempts to contact customers via outgoing calls, and in particular via instant on-line communication requests. *Ben-Chanoch*, col. 1, lines 52-55, col. 3, lines 1-10, lines 11-14 ("If the targeted customer is found online, the contact center may, according to the preset priority scheme, send a message to the customer informing him that a conversation is requested). A customer may respond to a call inquiry by accepting, rejecting, or requesting a different media or time. *See* Docket # AUS920010945US1

Application No. 10/005,680   Page 19
Reply to Office Action of April 22, 2004

Ben-Chanoch, col. 3, lines 10-35. In contrast, Burg describes a method that "enables call management on a queue" where "the caller may further receive an estimated wait time or queue length." *Burg*, Abstract. There mere presence of an on hold system with an option to receive information while on hold does not suggest modification to allow a customer to also enter an alternate media for returning the requested information.

Second, the Examiner's statement of the suggestion or motivation to modify Burg by Ben-Chanoch is flawed. In particular, in stating grounds for the motivation to modify Burg by Ben-Chanoch, the Examiner states that the "option to choose different ways of information display would have been obvious because if the caller is calling from phone 410, the obvious choice would be for the caller to receive an audio announcement based on his or her request or, as Ben-Chanoch taught, if the customer is online while traveling." [Office Action, p. 4] The present invention, however, it not concerned with the obvious choice or a single choice; the present invention provides for a menu of multiple formatting options and multiple output interfaces that are available, so that the caller may decide what format and output interface is preferred by the caller. In addition, implied in "a plurality of available formats" is the teaching that there are in fact multiple formats available to a caller and there is not an "obvious" choice for a particular device; Figure 3 of the present invention shows an example of providing a telephone caller with multiple formatting options for output of the information to the calling device, including voice output or text/graphic output; contrary to the Examiner's assertion, there is not such an "obvious" choice between the voice output or text/graphic output to a calling device enabled to receive either.

Third, as previously noted, regardless of whether the Examiner's previous assertions are correct, Applicants amend claim 1 (as previously described to incorporate previous elements of claim 5) and respectfully assert that there is not suggestion or motivation to modify Burg by Ben-Chanoch or Burg by Ben-Chanoch and further by Coussement. In particular, Coussement describes a system where a customer logs on to the Internet, navigates a webpage hosted by a call center service, inputs an intent or reasons for potentially calling the call center, and submits the information to the call center (Coussement, Fig. 3). In response, the call center service estimates wait times for the caller and returns the estimated data, via a web page interface, to the device through which the user has logged on to view the web page. (Coussement, Fig. 3).

Docket # AUS920010945US1

Application No. 10/005,680   Page 20
Reply to Office Action of April 22, 2004

Where Coussement describes integrating communication-center status information in a customer's electronic interface served upon customer's request, when read as a whole, Coussement describes transferring status information via a web page interface to the computer system through which a user is logged onto the Internet, responsive to a request by the user via the web page for the status information. Thus, Coussement, when viewed as a whole, provides a web page interface through which a user not yet waiting in a hold queue can access hold queue information; Coussement describes transferring hold system statistics via a web page to a non-caller, not to a caller.

In contrast, when claim 1 is viewed as a whole, characteristics of an on hold system are transferred to a caller selected output interface, from among a plurality of separate available interfaces, in a caller selected format, while the caller is on hold in the hold system. Applicants note that Coussement describes a non-caller web page interface, Burg teaches a current on hold caller telephone interface, and Ben-Chanoch describes an outgoing call attempt service; none of the references suggests a motivation for combination with the other. In addition, Applicants respectfully assert that the motivation cited by the Examiner, "to provide a system that will save phone costs for customers (or callers) as well as reducing utilization requirements of communication center interface technologies", does not indicate a motivation for modifying Burg and Ben-Chanoch by Coussement to teach providing a selectable menu of multiple separately available output interfaces and facilitating transfer of on hold information via a user selected output interface.

In conclusion, a prima facie case of obviousness under 103(a) is not established for claims 1, 8, and 15 because there is no suggestion or motivation to modify Burg by Ben-Chanoch or further in view of Coussement to teach all the elements of claims 1, 8, and 15. Because a prima facie case of obviousness under 103(a) is not established for claims 1, 8, and 15, Applicants respectfully request allowance of claims 1, 8, and 15.

There is No Reasonable Expectation of Success in the Proposed Modification of Burg in view of Ben-Chanoch

To establish a prima facie case of obviousness, there must be a reasonable expectation of success in the proposed modification of Burg in view of Ben-Chanoch. *In re Merck & Co., Inc.,*

Docket # AUS920010945US1

Application No. 10/005,680   Page 21
Reply to Office Action of April 22, 2004

800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). Applicants respectfully assert that

there is no reasonable expectation of success in the proposed modification of Burg by Ben-

Chanoch. Claim 1 teaches a method for monitoring characteristics of an on hold system,

presenting a caller currently waiting on a call within the on hold system with a selectable menu

of available formats and output interfaces, and responsive to receiving a selection of a particular

format and output interface, facilitating transfer of the monitored characteristics to the caller at

the particular output interface for output in the particular format. Burg describes a method that

"enables call management on a queue" where "the caller may further receive an estimated wait

time or queue length." *Burg*, Abstract. Ben-Chanoch describes a contact center attempting to

contact customers via outgoing calls, and in particular via instant on-line communication

requests. *Ben-Chanoch*, col. 1, lines 52-55, col. 3, lines 1-10, lines 11-14 ("If the targeted

customer is found online, the contact center may, according to the preset priority scheme, send a

message to the customer informing him that a conversation is requested). A customer may

respond to a call inquiry by accepting, rejecting, or requesting a different media or time. *See*

Ben-Chanoch, col. 3, lines 10-35. The Examiner states that "it would have been obvious to one

of ordinary skill in the art to modify Burg et al. as per the teachings of Ben-Chanoch, and thus

allow a caller to choose from among different ways (e.g. web page, audio announcement, pop-up

window) for the display of a reply packet to his or her request regarding wait times." [Office

Action, p. 4] Applicants respectfully note, however, that Burg only describes an IVRU for

providing the user with a selectable option to receive wait times (Burg, col. 5, lines 42-48) and

Ben-Chanoch only describes a system that makes attempts to place outgoing calls to a customer,

and if a customer is reached, the customer can type back an alternate media or time. Ben-

Chanoch does not describe a system that provides a menu of selectable formats and output

interfaces. Neither Burg nor Ben-Chanoch teach "allow[ing] a caller to choose from among

different ways for the display of a reply packet" as stated by the Examiner. Thus, there is no

reasonable expectation of success that the modification of Burg by Ben-Chanoch would teach

presenting a caller waiting on hold with a selectable menu of multiple output interfaces and

multiple formats and then automatically facilitating transfer of on hold characteristics to the

output interface for output according to the selected format and therefore no prima facie case of

Docket # AUS920010945US1

Application No. 10/005,680   Page 22
Reply to Office Action of April 22, 2004

obviousness as to claims 1, 8, and 15. Therefore, because prima facie obvious is not established

for claims 1, 8, and 15, Applicants respectfully request allowance of claims 1, 8, and 15.

Claims 2, 4, 9, and 11

      Claims 2 and 9 are canceled.

      With regard to claims 4, and 11, because prima facie obviousness is not established for

claims 1 and 8, at least by virtue of their dependency on claims 1 and 8, the teaching of Burg in

view of Ben-Chanoch does not make the features of dependent claims 4 and 11 obvious under 35

U.S.C. §103(a).

      In addition, with regard to claims 4 and 11, Applicants note that claims 4 and 11 are

amended to follow the amendments to claims 1 and 8.

Claims 5, 7, 12, 14, 16, 18-21, 25-27, and 31-32 are not obvious under Burg in view of Ben-Chanoch and further in view of Coussement

      The Office Action rejects claims 5, 7, 12, 14, 16, 18-21, 25-27, and 31-32 under 35

U.S.C. §103(a) as being allegedly unpatentable over Burg et al. (US Patent 6,738,473) in view of

Ben-Chanoch (US 6,707,906), and further in view of Coussement (US 2002/0055967) [Office

Action, p. 5].

      Claims 19-21, 25-27, and 31-32 are canceled.

      With regard to claims 5, 7, 12, 14, 16, and 18, because prima facie obviousness is not

established for claims 1, 8, and 15, at least by virtue of their dependency on claims 1, 8, and 15,

the teaching of Burg in view of Ben-Chanoch and further in view of Coussement does not make

the features of dependent claims 5, 7, 12, 14, 16, and 18 obvious under 35 U.S.C. §103(a).

      In addition, with regards to claims 7, 14, and 18, Applicants note that the amendment

adding the element of only facilitating transfer of said preferred selection from among said

plurality of characteristics to said caller at said particular output interface for output in said

particular format in response to the amendments made to claims 1, 8, and 15.

      In addition, Applicants assert that as amended, claims 5, 12, and 16 are more closely

parallel to now cancelled claims 22, 28, and 33, respectively. In particular, dependent method

Docket # AUS920010945US1

Application No. 10/005,680   Page 23
Reply to Office Action of April 22, 2004

claim 5, which is representative of dependent system claim 12 and dependent computer program

product claim 16, with regard to similarly recited subject matter and rejection, reads as follows:

> 5. (Currently Amended) The method for publishing call queue characteristics
> according to claim 1, wherein facilitating transfer of transferring said plurality of
> characteristics further comprises:
>   responsive to said selection by said caller of said web site as said
> particular output interface, prompting said caller via said calling device with a
> tracking number identifying said call and a particular network address at which
> said plurality of characteristics are accessible responsive to entry of said tracking
> number; and
>   enabling said web site at said particular network address to provide output
> of said plurality of characteristics in said particular output format responsive to
> caller access to said particular network address and entry of said tracking number.
>   transferring said plurality of characteristics in said particular format to an
> interface specified by said particular caller.

Claims 6, 13, and 17 are not obvious under Burg in view of Ben-Chanoch and further in view of Ginsberg

The Office Action rejects claims 6, 13, and 17 under 35 U.S.C. §103(a) as being

allegedly unpatentable over Burg et al. (US Patent 6,738,473) in view of Ben-Chanoch (US

6,707,906), and further in view of Ginsberg (US 6,064,730) [Office Action, p. 6]

With regard to claims 6, 13, and 17, because prima facie obviousness is not established

for claims 1, 8, and 15, at least by virtue of their dependency on claims 1, 8, and 15, the teaching

of Burg in view of Ben-Chanoch and further in view of Ginsberg does not make the features of

dependent claims 6, 13, and 17 obvious under 35 U.S.C. §103(a).

Claims 22-24, 28-30 and 33-35

Claims 22-24, 28-30 and 33-35 are canceled.

Newly Added Claims

Applicants note the addition of claims 36-38. Method claim 36, which is representative

of system claim 37, and computer program claim 38, reads as follows:

> 36. (Newly Added) The method for publishing call queue characteristics
> according to claim 1, wherein facilitating transfer of said plurality of
> characteristics further comprises:

Docket # AUS920010945US1

Application No. 10/005,680
Reply to Office Action of April 22, 2004

Page 24

responsive to said selection by said caller of said messaging account as said particular output interface, prompting said caller via said calling device to enter an identifier for said messaging account; and

responsive to caller entry of a particular identifier for said messaging account, sending a communication including said plurality of characteristics via a network to an account server serving said particular identifier.

The specification supports the amended claim throughout, and in particular, in paragraphs 0037 and 0038. Applicants respectfully request entry of claims 36-38 and allowance of claims 36-38 as dependent claims of claims 1, 8, and 15, amended for allowance.

Alleged "Claims Read on Well-Known System"

The Examiner rejected claims 1, 8, and 15 "because they simply read on an old and well-known call center that offers a caller an option to select a particular format (i.e. language) from a menu. That is the caller may, for example, select Spanish, English, or French. The call that is answered by an Automated Voice Response Unit (VRU) is already presumed to be on hold (i.e. call is not connected to an agent, yet). Once the caller selects a language ("format"), the information about the queue (such as waiting time) will be provided in that particular language." [Office Action, p. 11] Applicants assert that regardless of whether the Examiner's previous assertions are correct, claims 1, 8, and 15 are amended and offer a caller an option to select both a format and an output interface from among multiple available formats and output interfaces and to facilitate transfer of the information to the selected output interface in the selected format. Applicants respectfully assert that it is not old and well known for a call center to be enabled to facilitate transfer of information to multiple types of output interfaces in multiple formats, where the output interfaces include a calling device, a web site, and a messaging account.

Docket # AUS920010945US1

Application No. 10/005,680   Page 25
Reply to Office Action of April 22, 2004

Conclusion

In view of the foregoing, Applicants respectfully request the allowance of all pending claims. In addition to Applicants' request for a preliminary telephone interview, if the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

[signature]   7/22/05

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Docket # AUS920010945US1